

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JAMES COTTRELL,

Plaintiff,

v.

ORDER  
04-CV-204

ERIE COUNTY DISTRICT ATTORNEY, et al.,

Defendant.

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This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). Plaintiff (proceeding *pro se* initially as an inmate), has failed to appear at two Court conferences, including one sent with an lrby notice attached. Correspondence, including Orders setting these conferences sent by the Court were returned from plaintiff's last known address, indicating that he was released from that last address. Under this Court's Local Civil Rule 5.2, plaintiffs proceeding *pro se* are obliged to furnish the Court with their current address and to update the Court upon any change of address, as well as to be familiar with and abide by all local rules. As a result of plaintiff's failure to advise the Court of a change in address or to appear at scheduled conferences, the Magistrate Judge recommended that this action be dismissed with prejudice against plaintiff for failure to prosecute.

Plaintiff filed objections to the Report and Recommendation on July 31, 2007.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, this case is dismissed with prejudice for failure to prosecute. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: October 24, 2007